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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICRON TECHNOLOGY INC.,

Plaintiff,

v.

UNITED MICROELECTRONICS
CORPORATION, FUJIAN JINHUA
INTEGRATED CIRCUIT CO., LTD., and
DOES 1-10,

Defendants.

UNITED STATES OF AMERICA,

Plaintiff,

v.

UNITED MICROELECTRONICS
CORPORATION, INC.; FUJIAN JINHUA
INTEGRATED CIRCUIT, CO., LTD.; CHEN
ZHENGKUN, a.k.a. STEPHEN CHEN; HE
JIANTING, a.k.a. J.T. HO; and WANG
YUNGMIN, a.k.a. KENNY WANG.

Defendants.

CASE NO. CR 17-6932 MMC

CASE NO. CR 18-465 LHK

UNITED STATES' MOTION TO FILE EX PARTE
FILING UNDER SEAL AND [PROPOSED] ORDER

FILED UNDER SEAL

FILED

OCT 10 2018

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES' MOTION TO FILE EX PARTE FILING: CR 17-6932 MMC AND 18-465 LHK

1 The United States moves the Court for an order authorizing the *ex parte* and under seal
 2 filing of this motion and the Notice of Related Case, submitted herewith, giving notice that the
 3 civil case of *Micron Technology Inc. v. United Microelectronics Corp.*, Case No. CR 17-6932
 4 MMC, filed on December 5, 2017 and assigned initially to Hon. Jeffrey S. White and reassigned
 5 to the Hon. Maxine M. Chesney, is related to the under seal criminal case of *United States v.*
 6 *United Microelectronics Corp., Inc.*, Case No. CR 18-465 LHK, filed on September 27, 2018
 7 and assigned to the Hon. Lucy H. Koh.

8 The government seeks to make this *ex parte*, under seal filing because this motion and the
 9 Notice of Related Case describes information related to an under seal criminal indictment not
 10 known to the subjects of the indictment and involving one or more of the same defendants as
 11 those in the civil case, CR 17-6932 MMC. Disclosure of the existence of the indictment may
 12 cause the subjects of the indictment to avoid service of process or destroy evidence, jeopardizing
 13 the prosecution of the criminal case. The United States is meeting with Taiwan authorities the
 14 week of October 15, 2018, to arrange for service of summons and to discuss other jurisdictional
 15 matters. All of the defendants are located overseas. The arraignment on this matter is scheduled
 16 for November 16, 2018, and the government anticipates that the matter will be unsealed prior to
 17 that time.

18 Accordingly, the government respectfully requests permission to file this motion and the
 19 document submitted herewith as an *ex parte* and under seal filing with the Court. The
 20 government further requests that any order related to this filing also be under seal.

21 DATED: October 9, 2018

Respectfully submitted,

22 ALEX G. TSE
 23 United States Attorney

24 *John H. Hemann*

25 _____
 26 JOHN H. HEMANN
 27 SHIAO C. LEE
 28 Assistant United States Attorneys

[PROPOSED] ORDER

On the motion of the United States, and good cause appearing, IT IS HEREBY ORDERED that the United States is authorized to file *ex parte* and under seal this Motion, the Notice of Related Case, and orders generated from this motion and the Notice of Related case, until further order of the Court.

Dated: _____

MAXINE M. CHESNEY
United States Senior District Judge